

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDRED NINTH LEGISLATIVE DAY
THURSDAY, APRIL 30, 2009

Senate Chamber

At the request of the President, Acting President Cameron called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Lodge, Pearce, and Siddoway, and Acting Senator Thorson, absent and formally excused by the Chair; and Senators Andreason, Bilyeu, Brackett, Mortimer, Smyser, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Darcie Wonacott, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 29, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Andreason, Bilyeu, Brackett, Mortimer, Smyser, and Stegner were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 29, 2009

The JUDICIARY AND RULES Committee reports that [S 1216](#) has been correctly enrolled.

DARRINGTON, Chairman

The Acting President announced that Enrolled [S 1216](#) will be held at the desk for the signature of the President and, when so signed, will be transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

April 29, 2009

Dear Mr. President:

I transmit herewith [H 338](#), [H 341](#), [H 342](#), [H 343](#), [H 344](#), [H 345](#), [H 346](#), [H 347](#), [H 348](#), [H 349](#), [H 350](#), [H 351](#), [H 352](#), [H 353](#), [H 369](#), [H 371](#), [H 373](#), [H 355](#), [H 356](#), [H 357](#), [H 358](#), [H 359](#), [H 360](#), [H 361](#), [H 362](#), [H 363](#), [H 364](#), [H 365](#), [H 366](#), [H 367](#), [H 368](#), and [H 334](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 338](#), [H 341](#), [H 342](#), [H 343](#), [H 344](#), [H 345](#), [H 346](#), [H 347](#), [H 348](#), [H 349](#), [H 350](#), [H 351](#), [H 352](#), [H 353](#), [H 369](#), [H 371](#), [H 373](#), [H 355](#), [H 356](#), [H 357](#), [H 358](#), [H 359](#), [H 360](#), [H 361](#), [H 362](#), [H 363](#), [H 364](#), [H 365](#), [H 366](#), [H 367](#), [H 368](#), and [H 334](#) were filed for first reading.

April 29, 2009

Dear Mr. President:

I transmit herewith [HCR 31](#), which has passed the House.

ALEXANDER, Chief Clerk

[HCR 31](#) was filed for first reading.

April 29, 2009

Dear Mr. President:

I return herewith [S 1227](#), [S 1232](#), as amended, and [S 1166](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[S 1227](#), [S 1232](#), as amended, and [S 1166](#), as amended, were referred to the Judiciary and Rules Committee for enrolling.

April 30, 2009

Dear Mr. President:

I return herewith [S 1112](#), as amended, as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Corder, granted by unanimous consent, [S 1112](#), as amended, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

April 30, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 323](#), [H 324](#), [H 325](#), [H 326](#), [H 327](#), [H 199](#), and [H 311](#) for the signature of the President.

ALEXANDER, Chief Clerk

The Acting President announced that Enrolled [H 323](#), [H 324](#), [H 325](#), [H 326](#), [H 327](#), [H 199](#), and [H 311](#) will be held at the desk for the signature of the President and, when so signed, will be returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The Acting President announced that the House amendments to [S 1112](#), as amended, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1112](#), as amended, as amended in the House?"

On request by Senator Corder, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1112](#), as amended, as amended in the House.

On request by Senator Corder, granted by unanimous consent, the title was corrected as follows: On page 1 of the engrossed bill, line 26, after the word "REMOVE", delete the word "A".

[S 1112](#), as amended, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 338](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 341](#), [H 342](#), [H 343](#), [H 344](#), [H 345](#), [H 346](#), [H 347](#), [H 348](#), [H 349](#), [H 350](#), [H 351](#), [H 352](#), [H 353](#), [H 369](#), and [H 371](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 373](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 355](#), [H 356](#), [H 357](#), [H 358](#), [H 359](#), [H 360](#), [H 361](#), [H 362](#), [H 363](#), [H 364](#), [H 365](#), [H 366](#), [H 367](#), and [H 368](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 334](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[HCR 31](#), by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 30, 2009

The JUDICIARY AND RULES Committee reports that [S 1112](#), as amended, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

[S 1112](#), as amended, as amended in the House, was filed for first reading.

April 30, 2009

The FINANCE Committee reports out [H 341](#), [H 342](#), [H 343](#), [H 344](#), [H 345](#), [H 346](#), [H 347](#), [H 348](#), [H 349](#), [H 350](#), [H 351](#), [H 352](#), and [H 353](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 341](#), [H 342](#), [H 343](#), [H 344](#), [H 345](#), [H 346](#), [H 347](#), [H 348](#), [H 349](#), [H 350](#), [H 351](#), [H 352](#), and [H 353](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[S 1112](#), as amended, as amended in the House, by Health and Welfare Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1112](#), as amended, as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1112](#), as amended, as amended in the House, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich, Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Lodge, Pearce, Siddoway, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the Acting President declared [S 1112](#), as amended, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

[H 303](#), as amended in the Senate, as amended in the Senate, by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 330](#), [H 331](#), [H 332](#), and [H 333](#), by Appropriations Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

At the request of the President, Senator Winder, assumed the Chair.

On request by Senator Davis, granted by unanimous consent, [S 1234](#) was placed before the Senate for final consideration at this time.

[S 1234](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich, Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Lodge, Pearce, Siddoway, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the Acting President declared [S 1234](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1237](#) was placed before the Senate for final consideration at this time.

[S 1237](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich, Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Lodge, Pearce, Siddoway, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the Acting President declared [S 1237](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1238](#) was placed before the Senate for final consideration at this time.

[S 1238](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich, Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Lodge, Pearce, Siddoway, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the Acting President declared [S 1238](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1240](#) was placed before the Senate for final consideration at this time.

[S 1240](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich, Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Lodge, Pearce, Siddoway, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the Acting President declared [S 1240](#) passed, title was approved, and the bill ordered transmitted to the House.

At the request of the President, Senator Smyser, assumed the Chair.

On request by Senator Davis, granted by unanimous consent, [S 1241](#) was placed before the Senate for final consideration at this time.

[S 1241](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich, Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Lodge, Pearce, Siddoway, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the Acting President declared [S 1241](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1242](#) was placed before the Senate for final consideration at this time.

[S 1242](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich, Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Lodge, Pearce, Siddoway, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the Acting President declared [S 1242](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1243](#) was placed before the Senate for final consideration at this time.

[S 1243](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich, Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Lodge, Pearce, Siddoway, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the Acting President declared [S 1243](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1244](#) was placed before the Senate for final consideration at this time.

[S 1244](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich, Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Lodge, Pearce, Siddoway, Thorson (Stennett). Total - 4.

Total - 35.

Whereupon the Acting President declared [S 1244](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills with **H 275** and **H 303 aa** at the bottom.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:15 p.m. until the hour of 8:30 a.m., Friday, May 1, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary